REMARKS

In accordance with the foregoing, claims 1, 2, 15, 21, and 23 are amended and new claim 25 is presented. Claims 1-25 are pending and under consideration.

Statement On Substance of Interview

An in-person interview was conducted between the Applicants' representative and the Examiner.

During the interview, features that patentably distinguish the present invention were discussed. In particular, the Applicants' representative argued that recited features of the present invention of dynamically determining a message destination and a transmission means and a change of status of a connection are not taught by the cited art.

The Examiner agreed that the current art of record does not appear to teach a dynamically determining a message destination nor a change of status from a connection to a disconnection.

Applicants thank the Examiner for the opportunity to conduct the in-person interview.

Claim Amendments

Claim 1 is amended herein to recite a text messaging system including "dynamically determining a message destination and a transmission means (emphasis added)." Claims 2, 15, 21, and 23 are similarly amended herein.

No new matter is presented in any of the foregoing and, accordingly, approval and entry of the amended claims are respectfully requested.

Traverse Of Rejection

The Examiner rejects claims 1-24 under 35 U.S.C. §102(e) as being anticipated by Namekawa (U.S.P. 6,237,027). (Action at pages 2-19). The rejection is traversed.

Applicants submit that features recited be each of the independent claims are not taught by the cited art.

Dynamically Determined Transmission Means Not Taught By Cited Art

Independent claims 1, 2, 15, 21 and 23, respectively recite a system and a server, using claim 1 as an example, dynamically determining "a transmission means and transmission mode for the received text messages according to the . . . change of status (emphasis added)."

Independent claim 12 recites a system "dynamically determining a transmission mode for received text messages according to the obtained operational status and change of status (emphasis added)."

Independent claims 18 and 20, using claim 18 as an example, recite a method determining a transmission mode for the received text messages according to a "change of status of the information terminal; and transmitting and receiving text messages . . . according to the dynamically determined transmission mode (emphasis added)."

As discussed during the in-person interview, such a dynamically determined transmission mode is not taught by the cited art.

In addition, the Examiner errs in his contention that Namekawa discusses "reading of setup data to dynamically determine the type of data to be transmitted status." (Action at page 4). Rather, Namekawa merely teaches

> a normal mode to execute the communication processing procedure according to the user's operation and a message mode to inform the arrival of electronic mail to the portable computer 9 or the portable telephone 10 during the user's absence are switched and set.

(Emphasis added, col. 6, lines 48-65).

That is, Namekawa teaches notifying a preset destination that a mail has been received when a mail sent from a preset particular sender is received, and that a mail sender is fixed and the notification is only sent to a preset destination. Thus, Namekawa merely teaches that a destination of an incoming mail notification is preset, and does not teach a dynamic determination in the server of a transmission mode.

As discussed during the in-person interview, Applicants submit that as understood by one of ordinary skill in the art merely teaching a setting of a computer to either a normal mode or a message mode does not teach dynamically determining a transmission means and transmission mode, let alone a dynamic determination based on both operational status and change of status.

Change of Status Of A Connection Not Taught By Cited Art

Independent claims 14, 16, and 17, respectively recite a text messaging device computer-readable recording medium, and a method, using claim 14 as an example including "detecting and reporting to the servers an operational status of the each transmission means information terminals including at least a change of status of a connection with the communications lines (emphasis added)."

As discussed during the interview, such a change of status includes detecting a change of status of a connection from a connected status to a disconnected status and from a disconnected to a connected status.

Applicants submit that such a detection and reporting change of status are not taught by

Namekawa. Rather, Namekawa merely teaches, in the lines cited by the Examiner:

> Further, in the item to set the time interval of arrival detection, it is set at what time intervals the arrival of electronic mail is detected. . . the computer 5 records the failure of connecting on the electronic mail of which the arrival was informed and the time tried to connect. . . . when the connection has succeeded, the computer 5 records that the connection has succeeded on the electronic mail of which the arrival was informed on the hard disk drive 14 as the communication record.

(Col. 6, lines 34-48)

Applicants submit that as understood by one of ordinary skill in the art merely teaching such "arrival detection" does not teach both 1) detecting a change of status of a connection with a communication line and 2) reporting to a server the change of status of the connection, let alone where the detected and reported change is a first case of a state of connection to a state of nonconnection or a second case of a state of nonconnection to a state of connection.

Rather, Namekawa merely discusses detecting a case of a arrival of a message or noting a failure of connecting.

Summary

Since features recited by independent claims 1-2, 12, 14-21, and 23 are not discussed by the cited art, the rejection should be withdrawn and claims 1-24 allowed.

Current Action Incomplete

As discussed during the in-person interview, Applicants respectfully submit that the current action is incomplete since the Examiner did not respond to the argument presented in the previous Amendment filed February 21, 2006 that Namekawa does not teach a dynamic determination since Namekawa teaches preset settings.

Accordingly, Applicants submit that if the claims are not found allowable that the Examiner's arguments addressing the same be included in a new non-final Office Action, with the response date accordingly being reset.

New Claim

New dependent claim 25 is added to recite features according to the present invention in an alternate fashion. Claim 25 recites a system "wherein the change of status that is detected and reported is a change from a connected status to a disconnected status."

No new matter is presented in any of the foregoing and, accordingly, approval and entry of the new claim are respectfully requested.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

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By: Paul W. Bobowiec

Paul W. Bobowiec
Registration No. 47,431

1201 New York Avenue, NW, 7th Floor
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501